

FILED

FEB 24 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LEONORILDA BARRANCO-ROJAS,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-75528

Agency No. A79-521-780

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 21, 2006^{**}

Before: SCHROEDER, Chief Judge, GOODWIN and RAWLINSON, Circuit Judges.

This is a petition for review of the denial of petitioner's application for cancellation of removal. Specifically, this petition challenges the agency's finding that petitioner failed to meet the ten year physical presence requirement. *See* 8

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

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U.S.C. § 1229b(b)(1)(A). Because our review of the record shows that petitioner admitted that she departed from the United States for approximately six months during the relevant time period, we find no error in the agency's denial of cancellation of removal. *See* 8 U.S.C. § 1229b(d)(2) ("An alien shall be considered to have failed to maintain continuous physical presence in the United States under subsections (b)(1) and (b)(2) of this section if the alien has departed from the United States for any period in excess of 90 days . . ."). Accordingly, respondent's motion for summary disposition of this petition for review is granted. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

All other pending motions are denied as moot. The temporary stay of removal and voluntary departure confirmed by Ninth Circuit General Order 6.4(c) and *Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004), shall continue in effect until issuance of the mandate.

PETITION FOR REVIEW DENIED